

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 4:14-CR-00316-1-BCW
)
NATHANIEL E. BROWN,)
)
Defendant.)

ORDER

Before the Court is Magistrate Judge Sarah W. Hays's Report and Recommendation with respect to Defendant's Motion for Determination of Competency (Doc. #15). In response to this motion, Magistrate Judge Hays ordered Defendant to undergo a psychiatric or psychological examination, after which the examining psychiatrist or psychologist would file an evaluation report. (Doc. #16). On March 9, 2015, the evaluating psychologist filed a report with respect to Defendant's competency (Doc. #19). Thereafter, the parties appeared for a Competency Hearing before Magistrate Judge Hays. (Doc. #21). The Magistrate Court deferred ruling on the Motion for Determination of Competency because Defendant wished to seek an independent evaluation. (Doc. #21).

On March 31, 2015, the Court granted Defendant's motion for a contact visit and ordered Defendant to undergo an additional psychiatric or psychological examination to be conducted by Dr. William Logan. (Doc. #24). The Magistrate Court further ordered that "upon completion of the examination . . . defense counsel shall advise the Court whether to schedule a follow-up hearing to receive additional information or whether the Court should consider the competency hearing closed." (Doc. #24 at 3).

After Dr. Logan's evaluation, Defendant advised the Court that he did not intend to present additional evidence "from Dr. Logan regarding the competency issue," such that Motion for Determination of Competency (Doc. #15) was ready for ruling. On June 10, 2015, Magistrate Judge Hays issued a Report and Recommendation on the motion, finding that based upon the Forensic Report prepared by Christine Scronce, Ph.D. (Doc. #19), "defendant Nathaniel E. Brown is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense." (Doc. #25 at 3). Neither party filed objections to the Report and Recommendation.

This Court, having independently reviewed the Report and Recommendation, the record, the applicable law, and the parties' arguments, adopts Magistrate Judge Hays's findings of fact and conclusions of law. The Court thus concludes that Defendant is competent based on the results of a psychological evaluation indicating that Defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense. Accordingly, it is hereby

ORDERED Defendant's motion for determination of competency (Doc. #15) is, to the extent necessary, granted based on the Magistrate Judge's prior rulings ordering Defendant's psychiatric or psychological evaluation. It is further

ORDERED Magistrate Judge Hays's Report and Recommendation (Doc. #25) is ADOPTED. The Court adopts Magistrate Judge Hays's findings of fact and conclusions of law that Defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense. It is further

ORDERED the Magistrate's Report and Recommendation (Doc. #25) be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: July 2, 2015

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT